IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Criminal No. 10-144-2
	)	
LEWIS WHOOLERY,	)	
	)	
Defendant.	)	
	)	

OPINION

CONTI, Chief U.S. District Judge.

Defendant Lewis Whoolery ("defendant"), who is currently incarcerated in a federal facility in Loretto, Pennsylvania, filed pro se motion to vacate under 28 U.S.C. § 2255, with a request for an evidentiary hearing. (ECF Nos. 352-54.) On December 2, 2015, this court entered an opinion and order denying an unsolicited motion for summary judgment (ECF No. 357), an emergency motion to appoint counsel (ECF No. 367), and a motion for default judgment (ECF No. 370). On that same date, the court entered a supplemental briefing schedule with respect to the motion to vacate, noting that defendant's more than 450-page brief had not been docketed at the same time as the motion to vacate, and was not available to the government before it filed its response. (ECF No. 377; see also ECF No. 378 at 2 n.1.) As a result, the motion to vacate is not yet fully briefed, and will not be fully briefed until February 8, 2016.

For this reason and for the reasons set forth in the December 2, 2015 opinion, defendant's second motion for summary judgment (ECF No. 382), and motion for expedited review of that motion (ECF No. 381) are denied. It follows that defendant's motion for immediate release pending consideration of the "pending two summary judgment motions," both

of which have now been denied, is moot. (ECF No. 380.)

The court will address the merits of defendant's § 2255 motion, and the related request for an evidentiary hearing, after the motion is fully briefed, and in due course. Defendant is informed that any further motions for summary judgment, or equivalent expedited relief, filed without leave of court will be denied summarily going forward. An appropriate order will be entered contemporaneously with this opinion.

Date: December 8, 2015   BY THE COURT:

/s/ *Joy Flowers Conti*_____
Joy Flowers Conti
Chief United States District Judge